

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Ameren Transmission Company of Illinois,)	
)	
Petition for Certificate of Public Convenience)	
And Necessity, pursuant to Section 8-406.1 of)	
The Illinois Public Utilities Act, and an Order)	
Pursuant to Section 8-503 of the Public Utilities)	
Act, to Construct, Operate and Maintain a New)	No. 12-0598
High Voltage Electric Service Line and Related)	
Facilities in the Counties of Adams, Brown, Cass,)	
Champaign, Christian, Clark, Coles, Edgar,)	
Fulton, Macon, Montgomery, Morgan, Moultrie,)	
Pike, Sangamon, Schuyler, Scott, and Shelby,)	
Illinois.)	

**BRIEF ON EXCEPTIONS AND REQUEST FOR ORAL ARGUMENT
OF ADAMS COUNTY PROPERTY OWNERS AND TENANT FARMERS**

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**BRIEF ON EXCEPTIONS AND REQUEST FOR ORAL ARGUMENT
OF ADAMS COUNTY PROPERTY OWNERS AND TENANT FARMERS**

COME NOW Adams County Property Owners and Tenant Farmers (collectively “ACPO”), by their attorney, pursuant to § 200.880 of the Rules (“Rules”) of Practice of the Illinois Commerce Commission (the “Commission”), 83 Ill. Admin. Code § 200.880, and file their Brief on Exceptions and Request for Oral Argument regarding the findings of fact and conclusions in the Administrative Law Judges’ (“ALJ”) Proposed Order (“PO”) on Ameren Transmission Company of Illinois (“ATXI”) request for a Certificate of Public Convenience and Necessity authorizing ATXI to construct, operate and maintain a new 345 kV electric transmission line and related facilities in the State of Illinois known as the Illinois Rivers Project (hereinafter “Transmission Line” or “Project”).

INTRODUCTION

In the ALJ’s analysis of the “Propriety of the Petition”, the ALJ appropriately states “the Commission is troubled by the very real possibility that the expedited schedule for considering such a massive project may result in less than optimal outcomes. Alternatives may be overlooked and shortcomings may be missed.” *Proposed Order*, pg. 9. Unfortunately, the fears expressed in the PO became a reality with regard to the Quincy-Meredosia portion of the Project. The PO inexplicably allows ATXI to proceed with a route that is anything but thoroughly considered and will absolutely result in less than optimal outcomes. The PO accepts as true numerous statements made by ATXI’s witnesses, but seemingly disregarded the credibility issues brought out by the same witnesses on cross-examination. Moreover, the PO shifts the burden of putting forth evidence of the least cost route on ACPO rather than on the Petitioner, where it belongs. As such, ACPO takes exception to several findings of fact regarding the ACPO Alternate Route 1 as being contrary to the facts in evidence. Furthermore, as set forth in

more detail below, ACPO takes exception with the ultimate determination that the Hybrid Route is the least cost route for the Quincy-Meredosia portion of the Project.

EXCEPTIONS¹

I. ACPO Exceptions to PO

ACPO understands the PO to restate the positions of the parties based both on the presentation of the arguments by their attorneys as well as the evidence produced by the parties. ACPO takes exception to some of the findings of fact and conclusions reached by the ALJ in Article IV. Propriety of the Petition and Article VI, Section B(4) Commission Conclusion, as not being supported by the evidence.

A. Exceptions to Article IV. Propriety of the Petition.

IV. PROPRIETY OF THE PETITION

Exception No. 1:

Ms. Murphy also reported that “we conservatively assumed that any building that appeared to be a residence was, in fact, an occupied residence.” (Tr. At 753, see also Tr. At 784-785) She acknowledges that ATXI did not confirm from the ground the occupancy of any building. (Tr. At 754) This assumption disturbs the Farm Bureau, ~~and Raghebs,~~ and ACPO, who believe such practices call into question ATXI’s credibility.

ACPO takes exception with the idea that ACPO did not argue that ATXI’s assumption regarding the residences called into question ATXI’s credibility. In fact, on cross-examination of Donell Murphy, it was ACPO’s counsel who elicited testimony from Ms. Murphy that ATXI had not in fact verified the residences were occupied. Tr. at 753-54. Furthermore, in its brief, ACPO explicitly uses Ms. Murphy’s testimony to call into question ATXI’s credibility. *ACPO Brief*, pg. 13.

¹ For purposes of these Exceptions, ACPO will present the proposed language for the PO followed by its argument for why the changes are necessary.

B. Exceptions to Article VI, Section B(4) Commission Conclusion.

4. Commission Conclusion

Exception No. 2:

The conclusion that the Commission would draw from this exercise is that on most of the eleven criteria to be considered, there is a significant ~~does not seem to be much~~ difference between the proposed routes.

ACPO takes exception to the general characterization and conclusion that there “does not seem to be much of a difference between the proposed routes”. Indeed, the statement that there “does not seem to be much of a difference between the proposed routes” is a startling statement given the evidence adduced in these proceedings. Such a statement ignores the fact that ACPO Hybrid Route 1 cost \$9,000,000.00 less to build.

	ATXI's Primary Route	ATXI's Alternate Route	Hybrid/Rebuttal Rec. Route	ACPO's Alternative #1
Estimated Cost²	\$105,957,000.00	\$104,264,000.00	\$105,859,000.00	\$96,738,000.00

² ATXI Exhibit 16.3.

Furthermore, ACPO Alternate Route 1 requires 15 less dead end structures and 3 miles less of line.

	ATXI's Primary Route	ATXI's Alternate Route	Hybrid/Rebuttal Rec. Route	ACPO's Alternative #1
Estimated³ Length	48.7 miles	48.2 miles	46.3 miles	43.6 miles
Estimated # Dead-End Structures	23	32	21	6

Finally, the Hybrid Route requires the purchase of 100% new right of way where no lines currently exist and knowingly (not an assumption) placing a line within 75 feet of a dairy farm and numerous residences. ACPO Alternate Route 1 uses existing right of way for 50% of the route, runs parallel to existing lines, and satisfies **all** of the intervenors. Indeed, ACPO is unaware of any Intervenor who objected to ACPO Alternate Route 1. To say there is not much of a difference is to ignore the evidence put before the Commission.

Exception No. 3:

The Commission finds that ACPO Alternate Route 1 ~~is the does not appear to be~~ "least cost" as compared to the Hybrid Route.

ACPO takes exception to the ultimate conclusion that the Hybrid Route is the least cost route compared to ACPO Alternate Route 1. Without reciting its entire Brief and Reply Brief, the "least cost" analysis requires analyzing, among other things, the length of the transmission line, cost of construction and maintenance, impact on surrounding agricultural land, number of impacted landowners and the availability of existing right-of-way.

³ Revised Direct Testimony of Greg Rockrohr, Dated April 10, 2013, lns. 644-45.